

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Lee Yelin  
5890 Kerr Drive  
Missoula, MT 59803
2. Type of action: Application To Change A Water Right No. 76M 30049150
3. Water source name: Sixmile Creek, tributary to Clark Fork River
4. Location affected by project: NW Sec. 7, T15N, R21W, Sec 12, T15N, R22W, Missoula County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the purpose of a portion of this historic water right to instream flow for fisheries, leaving 359.0 gallons per minute (GPM) instream to benefit the fisheries resource in Sixmile Creek. The Applicant will protect the historic diverted volume at the historic headgate and protect the historic consumed volume in the protected reach downstream of the headgate during the period of diversion and use from April 1 to October 31. The Applicant proposes to protect 359.0 GPM up to 208.15 acre-feet (AF) at the historic point of diversion, with 208.15 AF being the Applicant's portion of the historic diverted volume. Downstream of the historic point of diversion, the Applicant proposes to protect 359.0 GPM up to 19.50 AF, with 19.50 AF being the Applicant's portion of historic consumed volume. The entire historic place of use will no longer be irrigated and the ditch decommissioned. The protected reach begins at the historic headgate and continues downstream approximately 1.12 miles to the next downstream diversion on Sixmile Creek, located in the NWSESW of Section 12, T15N, R22W.

The DNRC shall issue an authorization to change a water right if the Applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<h2><b>PHYSICAL ENVIRONMENT</b></h2>
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### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Department of Fish, Wildlife and Parks (FWP) lists Sixmile Creek as chronically dewatered (per FWP Dewatering Concern Areas, May 2005). Streams are classified as chronically dewatered when dewatering is a significant problem in virtually all years. The Applicant is proposing to take a water right for a consumptive use (irrigation) and change it to a non-consumptive use (instream flow). This will improve stream flow conditions in the proposed 1.12 mile protected reach, and may improve the dewatered condition downstream from there. The proposed change to instream flow will not worsen the chronic dewatering of Sixmile Creek.

*Determination:* No impact.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The Department of Environmental Quality (DEQ) lists Sixmile Creek as water quality impaired or threatened. DEQ identifies Sixmile Creek as partially supporting aquatic life and cold water fisheries. Agricultural, drinking water, industrial and recreational uses in Sixmile Creek have not been assessed by DEQ. The probable causes of the impaired listing are alteration in stream-side littoral vegetative covers resulting from rangeland grazing and silvicultural activities. The proposed project will not further adversely affect water quality in Sixmile Creek. The purpose of the project is to leave water instream to benefit fisheries and the aquatic ecosystem. Increases in flow resulting from the change in water use will help maintain cooler water temperatures and provide better habitat for cold water aquatic species.

*Determination:* No impact.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* N/A this change in water use does not involve groundwater.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

To exercise the instream portion of this right, no means of diversion or conveyance are needed other than the natural stream channel. There will be no construction that would impact the

stream channel, or create a barrier to fish migration. There are no dams associated with this project. The project will not alter groundwater quality or quantity; therefore well construction will not be impacted. The project will result in flow modifications, however, the end result will be more water flowing in Sixmile Creek, to the benefit of aquatic life and cold-water fisheries.

*Determination:* No impact.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The proposed project will not require any construction activities that could result in degradation of habitat for sensitive species. The Applicant will decommission an existing ditch that was used to divert water from Sixmile Creek for irrigation since the 1880's, and will now no longer divert water for irrigation. The proposed change in water use will improve aquatic habitat conditions in Sixmile Creek.

*Determination:* No impact.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* N/A this project does not involve any wetlands.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* N/A this project does not involve any ponds.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

As a result of this change in water use no water will be applied to any soils.

*Determination:* No impact.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

This project will not result in any ground disturbance that could allow for the spread of noxious weeds, or cause any change in existing vegetative cover.

*Determination:* No impact.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no source of pollutants associated with the change in water use that will alter air quality.

*Determination:* No impact.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

There will be no construction or other activities that could degrade unique archeological or historical sites. There are no known unique archeological or historical sites in the vicinity of the proposed project.

*Determination:* No impact.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

None identified.

*Determination:* No impact.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

There are no locally adopted environmental plans or goals.

*Determination:* No impact.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Reducing the applicant's diversion of Sixmile Creek water for irrigation may improve recreational activities provided by Sixmile Creek. The proposed project will not impact access to or the quality of recreational and wilderness activities.

*Determination:* No impact.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

The proposed change in water use may improve water quality in Sixmile Creek.

*Determination:* No impact.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes \_\_\_ No XX *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No impact.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? 74 acres of pasture will no longer be irrigated.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts None identified.

Cumulative Impacts None identified.

**3. *Describe any mitigation/stipulation measures:*** None identified.

4. **Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:** No alternative identified.

*PART III. Conclusion*

1. **Preferred Alternative** N/A
2. **Comments and Responses** N/A
3. **Finding:**

Yes \_\_\_ No XX Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

No reasonable alternatives were identified in the EA.

*Name of person(s) responsible for preparation of EA:*

*Name:* Jim Nave

*Title:* Deputy Water Resource Specialist

*Date:* 8/08/2011